

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY W. HARTLEY,

Defendant.

4:12CR3082

MEMORANDUM AND ORDER

Defendant has moved to continue defendant's change of plea hearing. (Filing No. 33). As explained in the motion, the plea agreement calls for restitution to be paid before the plea is entered, and the money for the restitution comes from a source/situation not under the Defendant's direct control. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 33), is granted.
- 2) The defendant's plea hearing will be held before the undersigned magistrate judge on October 31, 2013 at 10:00 a.m. The defendant is ordered to appear at this hearing.
- 3) For the reasons stated by counsel in the motion, the Court finds that the ends of justice served by continuing defendant's plea hearing outweigh the best interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and the district court judge's acceptance or rejection of the anticipated plea of guilty shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

June 20, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge